



Office of the
Police Complaint Commissioner

British Columbia, Canada

Notice of Appointment of
Adjudicator

(Pursuant to s.117(4) of the *Police Act*)

Date: July 16, 2013
OPCC File No. 2012-7994
DA File No. [REDACTED]

TO: [REDACTED]
[REDACTED] (Complainant)

AND TO: [REDACTED],
Delta Police Department (Member)

AND TO: Chief Constable Jim Cessford,
Delta Police Department (Chief Constable)

AND TO: Retired Supreme Court Judge Wally Oppal Q.C. (Adjudicator)

On June 4, 2013, Acting Sergeant [REDACTED] of the Delta Police Department Professional Standards Section submitted her Final Investigation Report to [REDACTED], the Discipline Authority in this matter. Acting Sergeant [REDACTED] identified the following allegations of misconduct:

Allegation #1 – Abuse of Authority

That on [REDACTED], [REDACTED] intentionally or recklessly used unnecessary force against [REDACTED] that if proved would constitute misconduct pursuant to the Police Act s. 77(3)(a)(ii)(A) Abuse of Authority.

Allegation #2 – Abuse of Authority

Stan T. Lowe,
Police Complaint Commissioner

Fifth Floor, 947 Fort Street,
PO Box 9895, Stn Prov Govt
Victoria, British Columbia, V8W 9T8
Tel: (250) 356-7458 / Fax: (250) 356-6503

That on [REDACTED], [REDACTED] used profane and insulting language towards [REDACTED] and [REDACTED] that if proved would constitute misconduct pursuant to the Police Act s. 77(3)(a)(iii) Abuse of Authority.

Acting Sergeant [REDACTED] recommended that the allegations against [REDACTED] be unsubstantiated.

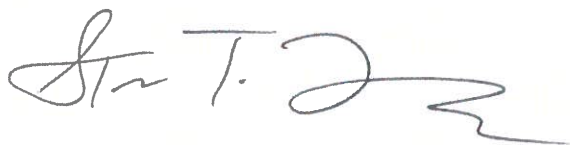
On June 18, 2013, [REDACTED] issued his decision pursuant to section 112 in this matter. Specifically, [REDACTED] 'unsubstantiated' both allegations against [REDACTED]

Pursuant to Section 117(1) of the *Police Act*, having reviewed the allegations individually, and the alleged conduct in its entirety, there is a reasonable basis to believe that the decision of the Discipline Authority with respect to Allegation #1 is incorrect.

Therefore, pursuant to Section 117(4) of the *Police Act*, and based on a recommendation from the Associate Chief Justice of the Supreme Court of British Columbia, I am appointing Retired Supreme Court Judge Wally Oppal Q.C. as Adjudicator to review this matter and arrive at his own decision based on the evidence.

Pursuant to Section 117(9) if the Adjudicator determines that the conduct in question appears to constitute misconduct, they assume the powers and perform the duties of Discipline Authority with respect to any allegations that they substantiate. In addition, if a service record of discipline exists the Office of the Police Complaint Commissioner will provide that record to the new Discipline Authority to assist them in proposing an appropriate range of disciplinary or corrective measures should a pre-hearing conference be offered or a disciplinary proceeding convened. If the retired judge as adjudicator determines the conduct in question does not constitute misconduct, they must provide reasons and the decision is final and conclusive.

Finally, the *Police Act* requires that an Adjudicator arrive at a decision **within 10 business days after receipt of the materials** for review from our office. This is a relatively short time line so our office will not forward any materials to the adjudicator until they are prepared to receive the materials. I anticipate this will be within the next 10 business days.



Stan T. Lowe
Police Complaint Commissioner

cc: [REDACTED] Registrar
cc: [REDACTED] OPCC analyst
cc: A/Sgt. [REDACTED], PSS Investigator